



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY HYMAN, *individually and on behalf of the collective,*

MEMORANDUM DECISION
AND ORDER

-against- :

18 Civ. 5779 (GBD) (GWG)

G&G PELHAM FOOD CORP., BORIS ISRAEL, :
and RAPHAEL MONTES, :
:

Defendants. :

GEORGE B. DANIELS, United States District Judge:

Plaintiff Anthony Hyman commenced this action on June 26, 2018 against Defendants G&G Pelham Food Corp., Boris Israel, and Raphael Montes alleging that he was fired on the basis of race in violation Title VII, various New York State and City Law counterparts, and 42 U.S.C. § 1981. (Compl., ECF No. 1.) Plaintiff also made claims for unpaid wages and unpaid overtime under the Fair Labor Standards Act and New York Labor Law. (*Id.*) On June 5, 2019, Plaintiff filed a motion for default judgment against Defendant G&G Pelham Food Corp. only. (ECF No. 35.) On August 13, 2019, this Court granted Plaintiff's motion. (ECF No. 36.) This matter was then referred to Magistrate Judge Gabriel W. Gorenstein for an inquest on damages. (ECF No. 37.)

Before this Court is Magistrate Judge Gorenstein's Report and Recommendation (the "Report"), recommending that Plaintiff be awarded damages in the amount of \$36,000.¹ (Report, ECF No. 48, at 7.) In the Report, Magistrate Judge Gorenstein advised the parties that failure to file timely objections would constitute a waiver of those objections on appeal. (*Id.* at 8.) No

¹ The relevant factual and procedural background is set forth in greater detail in the Report and is incorporated by reference herein.

objections have been filed. Having reviewed the Report for clear error and finding none, this Court ADOPTS the Report in full.

A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge’s report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Clear error is present when, “upon review of the entire record, [the court is] left with the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation omitted).

Magistrate Judge Gorenstein conducted a comprehensive and careful inquest and recommended that this Court award damages as specified in the Report. (Report at 6–7.) This Court has reviewed the Report, and finds no error, clear or otherwise. Accordingly, this Court adopts Magistrate Judge Gorenstein’s recommended judgment regarding damages for the reasons stated in the Report.

CONCLUSION

Magistrate Judge Gorenstein’s Report, (ECF No. 48), is ADOPTED. Defendant G&G Pelham Corp. is ordered to pay Plaintiff \$36,000 in damages. The Clerk of Court is directed to close the case.

Dated: New York, New York
September 27, 2021

SO ORDERED.


GEORGE B. DANIELS
United States District Judge